

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES MCGIBNEY, et al.,
Plaintiffs,
v.
THOMAS RETZLAFF, et al.,
Defendants.

Case No. [14-cv-01059-BLF](#)

**ORDER DENYING ADMINISTRATIVE
MOTIONS**

[Re: ECF 58, 61]


Before the Court is Plaintiffs' "Motion for Leave to File Second Amended Complaint; Motion to Stay Consideration of Pleading-State Motions Pending Amendment," filed September 19, 2014. Pl.'s Mot. ECF 58. Defendant Thomas Retzlaff opposes this motion. Retzlaff Opp., ECF 60. Plaintiffs' motion does not comply with any applicable federal or local rules, despite the Court's prior admonition to the parties that non-compliant motions would be summarily stricken or denied. *See* Order, ECF 57. In any event, because defendant Lane Lipton's motions are under submission, it would be inefficient to permit Plaintiffs to amend before they receive the Court's order. Accordingly, Plaintiff's un-noticed motion, which this Court construes as a motion for administrative relief pursuant to Civil Local Rule 7-11, is DENIED without prejudice. To the extent leave to amend is permitted, it shall only be in accordance with this Court's forthcoming order.

Also before the Court is *pro se* defendant Retzlaff's "Motion for Expedited Anti-SLAPP Hearing," filed September 22, 2014. Retzlaff Mot., ECF 61. To the extent this motion can be construed as a request to expedite hearing on defendant Lipton's anti-SLAPP motion, that motion has already been submitted, and the Court will render a ruling on Lipton's motion at the appropriate time. To the extent Retzlaff seeks to expedite the hearing on his own anti-SLAPP

1 motion filed yesterday, he has not identified any substantial harm or prejudice warranting a change
2 in time. Retzlaff has also challenged service of process and this Court's jurisdiction over him (*see*
3 ECF 23, 26) and this Court declines to rule on a special motion to strike under California law until
4 such time as it determines that the parties are properly in California. Defendant's motion is
5 accordingly DENIED.

6 **IT IS SO ORDERED.**

7 Dated: September 23, 2014

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9 BETH LABSON FREEMAN
United States District Judge

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